

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION  
☒ Western (Memphis) DIVISION

Joyce W. Gillard

Plaintiff,

vs.

Wells Fargo Home Mortgage

Defendant.

No. \_\_\_\_\_

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (*check only those that apply*):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

**NOTE:** In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

**NOTE:** In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

**JURISDICTION**

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

**PARTIES**

3. Plaintiff resides at:

449 Chickasaw Land Way  
STREET ADDRESS  
Shelby, TN, 38017, 901-604-2516  
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

464 California ST  
STREET ADDRESS  
Mateo, San Francisco, CA, 94104  
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

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5. The address at which I sought employment or was employed by the defendant(s) is:

1669 Kirby Parkway Suite 202 Memphis, TN 38120

STREET ADDRESS

Shelby, Memphis, TN, 38120.  
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire
- ☒ Termination of my employment
- ☐ Failure to promote
- ☐ Failure to accommodate my disability
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other acts(*specify*): \_\_\_\_\_

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

Date(s) 1/17/2017 + 5/21/2017

8. I believe that the defendant(s) (*check one*):

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:  
(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☒ Race \_\_\_\_\_

☐ Color \_\_\_\_\_

☒ Gender/Sex \_\_\_\_\_

☐ Religion \_\_\_\_\_

☐ National Origin \_\_\_\_\_

☐ Disability \_\_\_\_\_

☒ Age. If age is checked, answer the following:  
I was born in 1957. At the time(s) defendant(s) discriminated against me.

I was [☒ more [ ] less than 40 years old. (check one)

**NOTE:** Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

See exhibit #1

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach additional sheets as necessary)

**NOTE:** As additional support for your claim, you may attach to this complaint a copy of the

July 1, 2022

The facts are as follows:

Wells Fargo discriminated against me based on my race, sex, and age at the time I was 61 years old. They allegedly put me on a Formal warning/PIP January 2021 without any verbal or written warning per their policy and procedure handbook was also, required to be sign by myself and the manager.

They put a new production requirement in place August 1, 2018, which was a thirty percent increase in our production during a time when the market had slowed down, so they went back to my production in 2017 to start this process. During my ten years of working for Wells Fargo they eliminated several of our programs that was targeted to assist low income and minority families this not only hindered their ability to secure homes it hurt my productivity as well since most of my customers needed assistance.

Throughout my tenure of 10 years of employment I have experienced numerous forms of discrimination. I had to adhere to different standard of training, having to pass an exam when my male co-workers did not have to go through the same process to become an HMC who would represent builders. Management did not allow me to pick my bank branch or have more than one as my male co-workers had the opportunity to have two bank branches, even though I had to more seniority than anyone else in the Mortgage branch.

My co-workers who had been on a Performance Improvement Plan were provided a weekly plan and coaching by our managers, which help them either improve or seek other employment inside and outside of Wells Fargo. Management did not afford me the same opportunities, they kept me in the dark that I was on a PIP and cause me to be devastated by my termination.

There were times when the company received IP leads and management only distributed them to mostly white co-workers and most Black employees did not receive any referrals. This brings me back to my sales manager during the last year of my employment with Wells Fargo he had all the leads coming to his cells phone not sharing incoming leads with all employees.

My managers retaliated against for speaking up when our sales manager and another employee continued to break the law by vaping inside of our office. Shortly after reporting the information to management, I was terminated within a few weeks of my reporting the incident.

Exhibit #1

*charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.*

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: \_\_\_\_\_

12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 7/17/2019  
Date

*Case re-open May 2021 by EEOC*

**Only litigants alleging age discrimination must answer Question #13.**

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. *(check one):*

☒ 60 days or more have elapsed

☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission *(check one):*

☐ has not issued a Right to Sue Letter.

☒ has issued a Right to Sue letter, which I received on 4/5/2022  
Date

**NOTE:** *This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.*

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

**NOTE:** *You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.*

16. I would like to have my case tried by a jury:

☒ Yes

☐ No

**WHEREFORE**, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: \_\_\_\_\_

☒ direct that Defendant pay Plaintiff back pay in the amount of \$65,000.00 and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$300,000.00

  
SIGNATURE OF PLAINTIFF

Date: 7/1/2022

449 Chickasaw Land Way  
Address

Collierville, TN 38017

901-604-2516  
Phone Number